

REMARKS

At the time the current Official Action was mailed, the Examiner rejected claims 1-10 and 12-34. Claims 1-10 and 12-34 remain pending and claim 11 has been cancelled in a prior communication. Applicant respectfully requests reconsideration of the application in view of the remarks set forth below.

Rejections under 35. U.S.C. § 102

The Examiner rejected claims 1-10 and 12-34 under 35 U.S.C. § 102(e) as being anticipated by Ross et al. (U.S. Publication No. 20040203919). Specifically, the Examiner stated:

As to claims 1, 21, Ross et al. disclose a telematics assembly comprising an input device configured to receive an arbitrary code pre-assigned to correspond to a point of interest (POI) (See paragraph 0039); a communication device configured to initiate communication with a database having data related to the POI in response to the code (See paragraph 0025, 0029); page 6, second column at claim 13); and a receiving device configured to receive the data related to the POI from the database (See paragraph 0036).

As to claims 2, 10, 15, Ross et al. disclose the receiving device comprises a display configured to present the data related to the POI visually (See unit 170).

As to claim 3, Ross et al. disclose a positioning device (GPS) configured to provide the location of the telematics assembly (See paragraph 0020).

As to claims 4-5, 12, 16-17, 22-23, Ross et al. disclose the communication device is configured to communicate with a wireless network and the database is accessible via the wireless network (See paragraph 0022; Fig.3).

As to claims 6-7, Ross et al. disclose a data storage device wherein the database is maintained on the data storage device and is configured to

communicate wirelessly with at least one of the input device and the receiving device (See paragraph 0034).

As to claim 8, Ross et al. disclose a telematics system for use by an individual comprising an input device configured to receive an arbitrary code pre-assigned to correspond to a point of interest (POI) for facilitating transmittal of a request to a database having information about a location of the POI (See paragraph 0039), the database being configured to provide the information about the location of the POI in response to the request; a receiving device configured to receive the information about the location of the POI from the database (See paragraph 0025, 0036); a navigation device configured to determine a location of the individual to provide output data comparative of the location of the individual and the location of the POI; and an output device (display) configured to present the output data to the individual (See Fig.1).

As to claims 9, 19-20, 25-26, Ross et al. disclose the navigation device is configured to determine at least one route for travel between the location of the individual and the location of the POI (See paragraph 0006).

As to claim 13, Ross et al. disclose the network provides a link to a remote processor configured to develop the output data (See paragraph 0023-0024; Fig.2).

As to claim 14, Ross et al. disclose a telematics system for use by an individual comprising a vehicle (See paragraph 0019); and a navigation system located in the vehicle comprising an input device configured to receive an arbitrary code pre-assigned to represent a point of interest (POI) for facilitating transmittal of a request to a database having data related to the POI, the database being configured to provide the data related to the POI in response to the request; (See paragraph 0030,

As to claim 18, Ross et al. disclose the data related to the POI includes a location of the POI, and wherein a server is configured to provide to the receiving device output data comparative of the location of the vehicle and the location of the POI (See paragraph 0063).

As to claims 24, 27-34, Ross et al. disclose a method of obtaining information regarding a point of interest and a computer program on a tangible medium the program being configured for use with a telematics device in communication with a database having data regarding a point of interest comprising inputting an arbitrary code pre-assigned to represent a POI into a telematics device comprising inputting an arbitrary code preassigned to represent a POI (See paragraph 0046, 0056, page 6 at claim 13); Ross et al. disclose a specific point of interest (location of interest) and

have the system provide a direction (travel direction between the POI and the telematics device) (See Paragraph 0006).

Official Action, pages 2-4 (errors in original).

Prior to addressing these rejections, Applicant would like to remind the Examiner that “the Examiner should never overlook the importance of his or her role in allowing claims which properly define the invention.” M.P.E.P. § 706. Applicant would further like to remind the Examiner that the “goal of examination is to clearly articulate any rejection early in the prosecution process so that the Applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” *Id.*

In the present application, Applicant respectfully, but firmly, believes that the Examiner has lost sight of these two very important goals. In Response to the previous Official Action mailed on December 7, 2005, Applicant described how the reference relied upon by the Examiner (the Geelen reference) was clearly deficient to support rejection of the present claims under 35 U.S.C. § 102. The main deficiency of the Geelen reference is that it does not disclose the use of any type of code, arbitrary or otherwise, to obtain information relating to a point-of-interest (POI). Subsequently, in the current Official Action, the Examiner once again relied upon a clearly deficient reference to support rejection of the present claims under 35 U.S.C. § 102, and, once again, the main deficiency is that the reference does not disclose the use of any type of code, arbitrary or otherwise, to obtain information relating to a POI. In addition, in both Official Actions, the Examiner has relied upon sections of the prior art that bear only a tangential relationship to the elements of the present claims purported to be anticipated. As such, Applicant

respectfully submits that the Examiner has failed to *clearly articulate* the rejections and has failed to allow claims that clearly distinguish over the art, as required by M.P.E.P. § 706.

In view of the remarks set forth above and below, Applicant respectfully submits that the claimed subject matter is patentable over the prior art and respectfully requests allowance of claims 1-10 and 12-34. If the Examiner chooses to maintain this rejection of claims 1-10 and 12-34, Applicant respectfully requests a telephonic interview with the Examiner and the Examiner's supervisor prior to the issuance of another Official Action.

As mentioned above, Applicant respectfully traverses these rejections. Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Thus, if the claims recite even one element not found in the cited reference, the reference does not anticipate the claimed invention.

As discussed in the background section of the present application, one way of obtaining information regarding a particular POI is for the user to at least partially enter the name of the POI. Application, page 2. Unfortunately, on a traditional numeric keypad, it may be difficult to enter an alphabetic name of the POI. *Id.* Furthermore, the name of the POI may be long or

difficult to spell, thus making use of an alphabetic entry even more burdensome. *Id.* To address this problem, Applicant has proposed assigning an “arbitrary code” to each POI or category of POIs. *Id.* at page 4. That is, each POI or category of POIs is assigned a code that does not necessarily alphabetically or alphanumerically substantially correspond to the name of the POI. *Id.* For example, each code may be numeric or predominantly numeric because such codes are easy to remember and easy to enter using a traditional numeric keypad, as opposed to entering the name or address of the POI. *Id.* An example described in the present application assigns the code 456789 to ACME Pizza restaurant. Upon entry of the code, the system retrieves data related to the POI. *Id.* at pages 18-19. Accordingly, each of the independent claims of the present application recites the use of such an “arbitrary code.”

In sharp contrast to Applicant’s claimed invention, the Ross reference does not disclose the use of any type of code, arbitrary or otherwise, to obtain information relating to a POI. Instead, the main embodiments of the Ross reference describe interaction with a call center primarily via voice communications. For instance, the main section of the Ross reference which the Examiner contends discloses “an input device configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest (POI)” is paragraph [0039], which reads:

With cellular phone 260, a telematics service user may send a message to one or both mobile vehicles 210 and 212 via communication network 242 and call center 280. The voice recognition software translates voice communication into recognized utterances that can be used by a Voice Extensible Markup Language (Voice-XML) gateway, or other similar software. By using voice-recognition software, cellular phone 260 or call center 280 may translate voice communication from cellular phone 260 into data communication schema. The driver or telematics service user may also use Internet-enabled handheld device 270, such as a personal digital assistant, to construct a message using voice or keypad input and send the message in a similar path to a mobile vehicle 210 or mobile vehicle 212.

Applicant notes that nowhere in paragraph [0039] is there mention of any type of code, arbitrary or otherwise, to obtain information relating to a POI. Rather, paragraph [0039] discloses the sending of *messages* to mobile vehicles via a call center and voice communications. In fact, the Ross reference only twice refers to anything remotely resembling codes corresponding to POIs. *See* Ross, paragraphs [0046], [0047]. However, in both of these paragraphs, the use of “unique point-of-interest identifier[s]” relates only to how location information is managed at the call center and by the application servers. *Id.* These paragraphs do not suggest that the codes are entered into an input device, as recited in the independent claims of the present application.

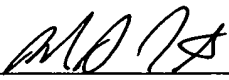
Because the Ross reference does not disclose the subject matter set forth in the present claims, the Ross reference does not support a *prima facie* case of anticipation as alleged by the Examiner. Therefore, Applicant respectfully requests withdrawal of the Examiner’s rejection and allowance of claims 1-10 and 12-34.

Conclusion

In view of the remarks set forth above, Applicant respectfully requests reconsideration of the Examiner's rejections and allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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